

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES KLEINBROOK,

Plaintiff,

v.

No. 24-cv-894 MLG/SCY

UNIVERSITY OF NEW MEXICO HEALTH SYSTEM, UNIVERSITY OF NEW MEXICO FOUNDATION, INC., KATE BECKER, ADAM CROSBY, RIO RANCHO POLICE DEPARTMENT, CITY OF RIO RANCHO and GREG HULL,

Defendants.

**ORDER FOR DEFENDANTS' ADDRESSES FOR SERVICE AND
NOTICE REGARDING COMPLIANCE WITH ORDERS AND RULES**

The Court notified *pro se* Plaintiff that his Complaint failed to state claims upon which relief can be granted and ordered Plaintiff to file an amended complaint. *See* Doc. 6 at 9 (filed September 17, 2024). Plaintiff is proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 which provides that the “officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]”). 28 U.S.C. § 1915(d). The Court notified Plaintiff it will order service if files a motion for service which includes the address of each Defendant. *See* Doc. 6 at 7.

The Court does not order service on the Defendants dismissed by separate order. Doc. 13 (order dismissing Defendants UNM Foundation, the Rio Rancho Police Department, Kate Becker, Adam Crosby, and Greg Hull).

The Court at this time cannot order service on the remaining Defendants because Plaintiff has not provided Defendants' addresses for service. The Court orders Plaintiff to provide the

service address of the following Defendants: (i) University of New Mexico Health System; and (ii) City of Rio Rancho.

Notice Regarding Compliance with Orders and Rules

The Court notified Plaintiff that his amended complaint must comply with the Federal Rules of Civil Procedure and the District of New Mexico's Local Rules of Civil Procedure. *See* Order at 6 (quoting Fed. R. Civ. P. 10(b) ("A party must state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances"). Plaintiff numbered four headings in the Amended Complaint but did not number each paragraph.

Failure to comply with Court Orders and the Federal and Local Rules of Civil Procedure interferes with the judicial process and may result in monetary and non-monetary sanctions including filing restrictions, dismissal of this case and imprisonment. *See* Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action"); *Gustafson v. Luke*, 696 F. App'x 352, 354 (10th Cir. 2017) ("Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.") (quoting *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)).

IT IS ORDERED that Plaintiff shall, within 30 days of entry of this Order, provide the service address of the following Defendants: (i) University of New Mexico Health System; and (ii) City of Rio Rancho. Failure to timely provide the addresses may result in dismissal of this case.


 UNITED STATES MAGISTRATE JUDGE